

## **Special and Regular Meeting of Tuesday, April 27, 2004**

### **Twin Pines Senior And Community Center**

#### **SPECIAL MEETING**

#### **CLOSED SESSION – 6:00 P.M.**

A. Conference with Labor Negotiator, Jere Kersnar, pursuant to Government Code Section No. 54957.6

MMCEA

AFSCME

Attended by Councilmembers Feierbach, Mathewson, Metropulos, City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Human Resources Director Dolan. Councilmembers Bauer and Warden were absent, and City Clerk Cook was excused from attending.

**ADJOURNMENT** at this time, being 6:30 P.M., this Closed Session was adjourned.

This meeting not tape-recorded or videotaped.

Terri Cook

City Clerk

#### **STUDY SESSION - 6:45 P.M.**

#### **Sanitary Sewer Rehabilitation Program/Presentation**

City Engineer Phalen reviewed the history of the development of Belmont's sanitary sewer system, and noted that some components are between 50 and 100 years old and have reached the end of their service life. She described the sewer basin map and reviewed the structural repairs that have been made over the years. She also reviewed State and Federal regulations related to sanitary sewer systems.

City Engineer Phalen gave an overview of the former method used to repair and replace sanitary sewer systems, and described the new techniques of pipelining, pipebursting, and spot repairs. She noted that other than spot repairs, these new techniques do not require trenching, which reduces the impact to the community.

City Engineer Phalen stated that for the current \$7.5 million project, 150,000 linear feet of sewer lines has been repaired or replaced, and three of the largest and oldest pump stations have been rehabilitated. She also stated that the second round of projects, scheduled to begin in the fall, would restore another third of sewers and four additional pump stations. She noted that repairs made in prior years were paid from proceeds of a parcel tax, but bonds issued in 2001 funded the current project. She added that the City's foresight in rehabilitating the system has extended the life of the system by 50 years.

City Engineer Phalen described the Sanitary Sewer Master Plan needs, including capacity issues, recommended service, a policy to address sewer laterals, and integration with the City's GIS (Global Information System).

In response to Council questions, City Engineer Phalen clarified that developers are required to install sewer systems as part of any new project. She also clarified that when adding a bathroom to an existing home, staff recommends that the contractor review the condition of the sewer lateral, and repair if necessary. She responded that some 4-inch sewer lines still exist throughout the City, but will be increased to a six-inch line as part of the current or future upgrade to the system. She noted that inspections of sewer laterals is not a component of the current project, but stated that that residents would benefit from a future policy or program to address this issue.

Councilmember Feierbach stated Belmont could consider a requirement that sewer laterals be inspected at point of sale, as is done in other cities. City Engineer Phalen responded that there are cost issues, but stated that a policy could be considered.

Public Works Director Davis noted that there are areas throughout the City where laterals were installed at a low point of the property as a cost savings measure, which creates the potential for backup. He noted that the City responds for service on a lateral if there is a cleanout available.

Councilmember Warden stated that residents might not be aware that the sewer lateral is the responsibility of the homeowner.

## **REGULAR MEETING**

### **CALL TO ORDER 7:35 P.M.**

## **ROLL CALL**

**COUNCILMEMBERS PRESENT:** Warden, Feierbach, Mathewson, Metropulos

COUNCILMEMBERS ABSENT: Bauer

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Public Works Director Davis, Community Development Director Ewing, City Clerk Cook.

### **Pledge of Allegiance**

Led by City Clerk Cook.

### **REPORT FROM CLOSED SESSION**

Mayor Metropulos stated that direction had been given but no action taken during the Closed Session held earlier in the evening.

### **SPECIAL PRESENTATIONS**

**Proclamations in Appreciation for Outstanding Public Service by Arts Commissioner Judi Allen, Parks and Recreation Youth Commissioner Erica Goodwin, Parks and Recreation Commissioner Steve Singer, and Arts Commissioner Risa Horowitz.**

Mayor Metropulos read the proclamations for the outgoing commissioners. Erica Goodwin and Steve Singer were present to receive their proclamations and thanks from the Council for their contributions.

### **Proclamation Declaring May 8, 2004 "Walking for Ben Day".**

Mayor Metropulos presented a proclamation recognizing the upcoming fundraiser for leukemia.

**Jim McGovern**, grandfather of Benjamin McGovern, in whose memory this proclamation was being presented, stated that this fundraiser was initiated because the family wanted to do something besides grieve. He noted that fundraising efforts had reached the \$100,000 mark, and the goal was to double that amount. He thanked the Mayor and the Council for publicly recognizing this effort.

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Metropulos made the following announcements:

- He and other Councilmembers, staff members, and the City Clerk had judged business plans presented by Carlmont High School economics students;

- Belmont was sponsoring a compost giveaway on May 1;
- The annual Farmer's Market would begin on May 2;
- Kollage School for the Arts fundraiser "A Taste of Art" would be held on May 1;
- Notre Dame de Namur University's commencement would take place on May 2.

### **CONSENT CALENDAR**

Councilmember Warden requested that Item **4-E** (Resolution Approving First Restated Joint Powers Agreement for Library Services and the Related Staff and Services Agreement with San Mateo County) be removed for separate consideration.

### **ITEMS APPROVED ON THE CONSENT CALENDAR:**

**Approval of** meeting minutes: Special and Regular Meeting of March 23, 2004.

**Motion to** waive reading of Ordinances.

**Acceptance of** Update on Police Department/City Hall Project.

**Approval of** Ordinance 999 amending Belmont Zoning Ordinance 360 Regarding Secondary Dwelling Units – Section 2 (Definitions), Section 4 (Residential Districts), Section 8 (Off-Street Parking and Loading), Section 9 (General Regulations), and Section 24 (Secondary Dwelling Units) in order to comply with California State Law (AB 1866) (*second reading and adoption*).

**Approval of** Resolution 9526 Approving a Permanent Encroachment Agreement for Construction of Retaining Wall within the Public Right-of-Way at 1302 North Road.

**Approval of** Resolution 9527 Supporting the Enabling Legislation for a Countywide Special Park District.

**Approval of** Resolution 9528 Accepting Work, Approving As Built Plans, and Authorization to Issue a Notice of Substantial Completion for the Ralston Avenue and Alameda de las Pulgas Improvements, G. Bortolotto & Company Inc., City Contract Number 439.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Warden, the Consent Agenda, as amended, was unanimously approved by a show of hands (Bauer absent).

## **ITEMS REMOVED FROM CONSENT AGENDA FOR SEPARATE CONSIDERATION**

### **Resolution Approving First Restated Joint Powers Agreement for Library Services and the Related Staff and Services Agreement with San Mateo County**

City Manager Kersnar stated that the City of Belmont is one of eleven cities, plus the County of San Mateo, which formed a Joint Powers Authority (JPA) in 1999 to provide library services. He stated that the term of the original agreement was five years, and portions of the original agreement have been refined with the proposed reauthorization. He noted that all member cities and the County will be required to approve the amendment, but that no cities have indicated withdrawal from the JPA. He commented that this was a step forward for the JPA, and clarified that an economy of scale has been realized since the formation of the JPA, which is a benefit to taxpayers.

Councilmember Warden stated that the City of Belmont receives \$400,000 in library services, and will be receiving \$400,000 towards new furnishings for the new library, as a result of participation in the JPA. He commented that the amended agreement is a better document.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, Resolution 9529 Approving First Restated Joint Powers Agreement for Library Services and the Related Staff and Services Agreement with San Mateo County was unanimously approved by a show of hands (Bauer absent).

## **HEARINGS**

**Public Hearing to consider an appeal filed on July 11, 2003, by Mr. Marvin Bergloff, regarding Planning Commission Action taken on July 1, 2003, denying a Tentative Parcel Map, Conditional Use Permit, Grading Plan, and Single Family Design Review to create two parcels from a 17,712 square foot site and construct a new two-story 2,660 square foot single family home on the new lot located at 2884 Wakefield Drive (cont. from 12/9/03).**

Community Development Director Ewing stated that additional information had been received, and recommended the Council refer the matter back to the Planning Commission to reconsider the matter. He noted that the Public Hearing could be held, if desired, but was not required if the matter was referred back to the Commission.

Mayor Metropulos opened the Public Hearing.

**Marvin Bergloff**, appellant, stated that he was willing to have the Planning Commission re-hear this matter. He apologized to the neighbors for the condition of the property. He stated he had been trying to do something with the property for four years.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, the Public Hearing was unanimously closed by a show of hands (Bauer absent).

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, the matter of request for a Tentative Parcel Map, Conditional Use Permit, Grading Plan, and Single Family Design Review to create two parcels from a 17,712 square foot site and construct a new two-story 2,660 square foot single family home on the new lot located at 2884 Wakefield Drive was unanimously referred back to the Planning Commission for reconsideration (Bauer absent).

## **OLD BUSINESS**

### **Update on Status of Negotiations with Comcast, and Consideration of Resolution Granting Comcast Of California IX, Inc. a Franchise Extension to June 30, 2004.**

Greg Rubens, Deputy City Attorney and Attorney for SAMCAT, described the lengthy negotiations process between Comcast and the eight agencies in the consortium. He stated that a needs assessment had been produced. He clarified that there was concurrence on common needs, with the intent that individual special needs would be added through the ongoing negotiations process. He noted that the initial proposal was submitted in November, with a followup scheduled in May. He clarified that it was hoped that a new franchise agreement would soon be forthcoming which would address individual needs. He also clarified that if the agreement were not extended, Comcast would be under no obligation to continue services in Belmont.

In response to Council comments and questions, Deputy City Attorney Rubens clarified that the consortium of cities has more negotiating power and clout. He also clarified that the current negotiating process was informal, which was less expensive than a formal process. He added that Comcast desired to negotiate through this method, but the consortium could trigger formal negotiations, if desired. He noted that although RCN was available in some cities, Comcast was the primary franchise for cable services.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Warden, Resolution 9530 Granting Comcast Of California IX, Inc. a Franchise

Extension to May 31, 2004, was unanimously approved by a show of hands (Bauer absent).

Councilmember Mathewson stated that his motion to extend the franchise only to May 31, 2004, was to send a message to Comcast noting City of Belmont's displeasure with the lengthy negotiations process.

City Manager Kersnar stated this matter would be scheduled for the May 25, 2004, Council meeting to give an update on the progress of negotiations.

Councilmember Warden stated he would like additional information on other potential franchises.

Deputy Attorney Rubens clarified that RCN has been granted a franchise agreement in Belmont, but due to its financial situation, it is not providing service at this time. He noted that RCN is making a payment of \$50,000 to the City of Belmont for every year it is not providing service.

**Consideration of an Ordinance Amending the Los Costaños Community Development Plan Pursuant to Health and Safety Code Section 33333.6(e)(2), and Resolution to Elect to Receive Pass Through Payments Pursuant to Health and Safety Code Sections 33607.5 and 33607.7 (public hearing held on 4/13/04).**

Community Development Director Ewing stated that the Public Hearing had been held at the previous Council meeting, but action was deferred for further information.

Councilmember Mathewson stated that he had requested the postponement of action on this item because he had questions that have since been answered.

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Feierbach, to introduce an ordinance Amending the Los Costaños Community Development Plan Pursuant to Health and Safety Code Section 33333.6(e)(2), to waive further reading and set second reading and adoption for May 11, 2004, was unanimously approved by a show of hands (Bauer absent).

**Action:** On a motion by Councilmember Mathewson, seconded by Councilmember Warden, Resolution 9531 to Elect to Receive Pass Through Payments Pursuant to Health and Safety Code Sections 33607.5 and 33607.7 was unanimously approved by a show of hands (Bauer absent).

**NEW BUSINESS**

### **Resolution Adopting Names for the Trails in the City's Open Space Trail System.**

Parks and Recreation Director Mittelstadt gave a brief history of the development of the trail system in the Western Hills. He stated that the Parks and Recreation Commission sponsored a trail-naming contest, had judged the entries, and made its recommendation for final approval.

In response to Mayor Metropulos, Parks and Recreation Director Mittelstadt stated that the John Brooks trail was named for the person who donated money to purchase the land where this trail is located.

**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, Resolution 9532 Adopting Names for the Trails in the City's Open Space Trail System was unanimously approved by a show of hands (Bauer absent).

### **Discussion and direction on the Belmont Shuttle Feasibility Study.**

Public Works Director Davis introduced the consultant who was retained to develop a feasibility study for shuttle service in Belmont.

**Paul Jewel**, Nelson/Nygaard, gave a brief background of his consulting firm, and noted that it was under contract with Sam Trans for its Five- and Twenty-year Plans, and that the Strategic Plan was scheduled to be released in late summer. He reviewed the process for developing the feasibility study for the City of Belmont. He stated that seven potential shuttle runs were assessed, and noted that none of them were large, and that the need for them was minimal.

Mr. Jewel stated that Belmont could consider the following two options: 1) Commute-oriented, from CalTrain to businesses in town, and 2) midday senior-oriented service to various places in San Mateo County, including medical facilities and retail centers. He reviewed the potential routes for the first option, and noted that the cost for this option would be \$570,000, plus capital costs. He commented that there was a small market for the second option, and the cost would be \$900,000.

In response to a question from Mayor Metropulos regarding on-call cab service, Mr. Jewel stated that there were liability issues, and cities were opting out of these services. He added that there is an annual cost of \$100,000 for this program. He concurred with the staff recommendation that Council defer any further action until after the Sam Trans Plan is produced.



**Action:** On a motion by Councilmember Warden, seconded by Councilmember Mathewson, shuttle service was unanimously put on hold by a show of hands (Bauer absent).

Councilmember Warden stated that the City could not afford a shuttle program for the level of service provided. He commended the staff report, and added that potential markets had been identified.

Councilmember Mathewson stated he was concerned that costs for the SCOOT shuttle program in San Carlos escalated above the estimate.

## **COMMISSION, COMMITTEE UPDATES, AND STAFF ITEMS**

### **Status Report on Web Site Update**

Assistant City Manager Rich stated that the City of Belmont has maintained a Web site since 1985, and noted that staff has performed all updates in-house. He produced a draft of the new home page, and added that the City departments were providing input. He reviewed the universal links and photos, and added that the photos would rotate to provide interest and variety. He reviewed changes to the link for citizen inquiry and complaints. He noted that the goal was to implement the new site in June.

In response to Councilmember Feierbach, Information Services Manager Harnish clarified the integration and update process, and noted that the new site was currently housed on a staging server, and would be uploaded to the web-hosting site when finalized.

Council discussion ensued. Assistant City Manager Rich noted that since the Web site was maintained in-house with limited staff and resources, it was important to keep it simple.

Councilmember Warden commended I.S. Manager Harnish for her efforts with the existing site. He noted that a great deal of information is available through the Web site, unlike other cities. He suggested the use of icons rather than a text bar for pull-down menus.

Councilmember Mathewson also thanked I.S. Manager Harnish, and suggested the inclusion of documents such as the General Plan, Downtown Specific Plan, and the San Juan Canyon Plan for reference. Community Development Director Ewing responded that some of these documents do not exist in electronic format, and would need to be scanned, which is labor-intensive.

In response to Councilmember Mathewson, I.S. Manager Harnish clarified that the maintenance of some portions of the Web site already are and will continue to be decentralized, such as commission minutes and agendas, but that the I.S. Department would maintain the structure.

Councilmember Feierbach thanked I.S. Manager Harnish, and noted that she often works on her own time to maintain this tool.

**ADJOURNMENT** at this time being 8:45 P.M.

Terri Cook

City Clerk

Meeting Tape Recorded & Videotaped

Tape #579